

NO. 37

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, MARCH 25, 2009
(STATEWIDE SESSION)

Wednesday, March 25, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Isaiah 49:22: "Thus says the Lord God, I will soon lift up my hand to the nations, and raise my signal to the peoples."

Let us pray. Lord God, Heavenly Father, thank You for coming to us in this place as these people represent the peoples of our State. Lift them up as You have promised, that they may be encouraged to do the work assigned them. You are the one who can meet every need. Give them the needed strength and integrity and help them discern the right path to take. Give each Your special blessing. Continue to care for and provide the needed direction for our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. ERICKSON moved that when the House adjourns, it adjourn in memory of Emile Lawrence Erickson IV of Charleston, which was agreed to.

COMMUNICATION

The following was received:

State of South Carolina
Office of the Governor

WEDNESDAY, MARCH 25, 2009

Columbia, S.C., March 24, 2009

Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith an appointment for confirmation. This appointment is made with advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment

Horry County Master-in Equity
Term Commencing: July 31, 2003
Term Expiring: July 31, 2009
Seat: Master-in-Equity
Vice: James Stanton Cross

Initial Appointment

Mrs. Cynthia Graham Howe
1200 Main Street
Post Office Box 530
Conway, South Carolina 29528

Respectfully,
Mark Sanford
Governor

Received as information.

COMMUNICATION

The following was received:

State of South Carolina
Office of the Governor

Columbia, S.C., March 24, 2009

Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith an appointment for confirmation. This appointment is made with advice and consent of the General Assembly and is, therefore, submitted for your consideration.

[HJ]

WEDNESDAY, MARCH 25, 2009

Local Appointment
Horry County Master-in Equity
Term Commencing: July 31, 2009
Term Expiring: July 31, 2015
Seat: Master-in-Equity

Reappointment
Mrs. Cynthia Graham Howe
1200 Main Street
Post Office Box 530
Conway, South Carolina 29528

Respectfully,
Mark Sanford
Governor

Received as information.

INVITATION

On motion of Rep. KIRSH, with unanimous consent, the following were taken up for immediate consideration and accepted:

March 16, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Association for Justice, the members and staff of the House of Representatives are invited the South Carolina v. North Carolina Legislative Basketball Game and Reception. This event will be held on Tuesday, March 31, 2009, from 6:00 p.m. until 8:00 p.m. at the Colonial Life Arena.

Sincerely,
W. Michael Hemlepp, Jr.
Executive Director

[HJ]

WEDNESDAY, MARCH 25, 2009

REPORTS OF STANDING COMMITTEES

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

H. 3615 -- Reps. Sandifer, Parks and King: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 432 -- Senators Malloy, Knotts and Campsen: A JOINT RESOLUTION TO EXTEND THE TIME IN WHICH THE SENTENCING REFORM COMMISSION, AS ESTABLISHED BY ACT 407 OF 2008, SHALL SUBMIT ITS REPORT TO THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE FROM JUNE 1, 2009, TO FEBRUARY 1, 2010, AT WHICH TIME THE COMMISSION SHALL BE DISSOLVED.

Ordered for consideration tomorrow.

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Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3147 -- Reps. G. R. Smith, Funderburk, Daning, Allison, G. M. Smith, Harrison, Wylie, Littlejohn, Bingham, Hamilton, Stavrinakis, T. R. Young, E. H. Pitts, McEachern, Ballentine and Gunn: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, AS AMENDED, CHAPTER 9 OF TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, AS AMENDED, CHAPTER 9 OF TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO

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THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3464 -- Reps. Jennings, Cato, Nanney, Stringer and Wylie: A BILL TO AMEND SECTION 7-13-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLL MANAGER REQUIRED TO BE A REGISTERED ELECTOR AND RESIDENT OF THE COUNTY IN WHICH HE IS ASSIGNED TO WORK, SO AS TO AUTHORIZE A POLL MANAGER TO WORK IN ANOTHER COUNTY AS LONG AS HE IS QUALIFIED.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 3579 -- Reps. Jennings and Cato: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-200 SO AS TO PROVIDE FOR QUARTERLY ELECTION DATES FOR CONDUCTING REFERENDA OR OTHER BALLOT QUESTIONS FOR ALL ENTITIES AUTHORIZED TO CONDUCT THEM.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3358 -- Reps. Harrison, Weeks and Horne: A BILL TO AMEND SECTION 43-35-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITIONS OF "INVESTIGATIVE ENTITY" AND "NEGLECT"; TO AMEND SECTION 43-35-40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE

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SUSPICION OF CRIMINAL CONDUCT; AND TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT, SO AS TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION WHEN A PERSON WHO HAS REASON TO BELIEVE THAT ABUSE OCCURRED FAILS TO REPORT AND TO ESTABLISH CRIMINAL PENALTIES IF A CAREGIVER, DUE TO RECKLESS DISREGARD FOR THE HEALTH OR SAFETY OF A VULNERABLE ADULT, NEGLECTS OR CAUSES GREAT BODILY INJURY OR DEATH TO A VULNERABLE ADULT.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3013 -- Reps. Limehouse, Parker and Toole: A BILL TO AMEND SECTION 16-11-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE AND INCREASE PENALTIES FOR VIOLATIONS AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 3751 -- Reps. Knight, Horne, A. D. Young and Harrell: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE THE PINWOOD PREPARATORY HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM OF SUMMERVILLE, AND TO CONGRATULATE THE ATHLETES, COACHES, AND SCHOOL OFFICIALS FOR ANOTHER SUCCESSFUL SEASON AND FOR CAPTURING THE 2009 SCISA STATE BASKETBALL CHAMPIONSHIP TITLE.

The Resolution was adopted.

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HOUSE RESOLUTION

On motion of Rep. KNIGHT, with unanimous consent, the following was taken up for immediate consideration:

H. 3752 -- Reps. Knight, Horne, A. D. Young and Harrell: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE PINWOOD PREPARATORY HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2009 SCISA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Pinewood Preparatory High School boys varsity basketball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2009 Class SCISA State Championship title.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3753 -- Reps. Knight, Horne, A. D. Young and Harrell: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE THE PINWOOD PREPARATORY HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM OF SUMMERVILLE, AND TO CONGRATULATE THE ATHLETES, COACHES, AND SCHOOL OFFICIALS FOR A SUCCESSFUL SEASON AND FOR GARNERING THE 2009 SCISA STATE BASKETBALL CHAMPIONSHIP TITLE.

The Resolution was adopted.

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HOUSE RESOLUTION

On motion of Rep. KNIGHT, with unanimous consent, the following was taken up for immediate consideration:

H. 3754 -- Reps. Knight, Horne, A. D. Young and Harrell: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE PINWOOD PREPARATORY HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND CONGRATULATING THEM ON THEIR IMPRESSIVE SEASON AND FOR WINNING THE 2009 SCISA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Pinewood Preparatory High School girls varsity basketball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their impressive season and for winning the 2009 Class SCISA State Championship title.

The Resolution was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3755 -- Rep. Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "SOUTH CAROLINA EDUCATOR" SPECIAL LICENSE PLATES.

Referred to Committee on Education and Public Works

H. 3756 -- Rep. Crawford: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS ALLOWED FROM SOUTH CAROLINA TAXABLE INCOME OF AN INDIVIDUAL FOR

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PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW A MAXIMUM THREE THOUSAND DOLLAR A YEAR DEDUCTION FOR VOLUNTEER STATE CONSTABLES DESIGNATED BY THE STATE LAW ENFORCEMENT DIVISION AS ADVANCED STATE CONSTABLES AND TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR THIS DEDUCTION.

Referred to Committee on Ways and Means

H. 3757 -- Rep. Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10-1-155 SO AS TO REQUIRE THAT THE UNITED STATES MARINE CORPS' FLAG BE FLOWN ATOP THE DOME OF THE STATE HOUSE ON NOVEMBER TENTH OF EACH YEAR, THE ANNIVERSARY OF THE DATE THE MARINE CORPS WAS FOUNDED.

Referred to Committee on Education and Public Works

H. 3758 -- Rep. Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9-11-29 SO AS TO PROVIDE THAT BEGINNING JULY 1, 2009, EMERGENCY MEDICAL SERVICES PERSONNEL EMPLOYED SHALL PARTICIPATE IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM AND TO PROVIDE DEFINITIONS APPLICABLE TO EMERGENCY MEDICAL SERVICES PERSONNEL.

Referred to Committee on Ways and Means

H. 3761 -- Rep. Cooper: A BILL TO AMEND SECTION 44-53-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE PROCEDURES RELATED TO DRUG PROCEEDS, SO AS TO ALLOW THE USE OF FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY FOR TRAINING AND EDUCATION BY LAW ENFORCEMENT IN ADDITION TO OTHER USES PREVIOUSLY DELINEATED.

Referred to Committee on Judiciary

H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, Moss, Parker, Stringer and Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77, CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE

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DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "OUR FARMS-OUR FUTURE" SPECIAL LICENSE PLATES.

Referred to Committee on Education and Public Works

H. 3763 -- Reps. Hutto, Kennedy, Battle, Harvin and Miller: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-285 SO AS TO PROHIBIT INDIVIDUAL AND GROUP HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATIONS FROM CANCELING OR NONRENEWING AN INSURED WHO HAS BEEN COVERED FOR CANCER TREATMENT AND HAS ENTERED AN APPROVED CANCER CLINICAL TRIAL AND TO REQUIRE INDIVIDUAL AND GROUP HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE COVERAGE FOR ROUTINE PATIENT CARE COSTS WHEN RECEIVING TREATMENT IN AN APPROVED CANCER CLINICAL TRIAL IF SUCH COSTS WOULD BE COVERED IF INCURRED OTHER THAN IN CONNECTION WITH AN APPROVED CANCER CLINICAL TRIAL.

Referred to Committee on Labor, Commerce and Industry

S. 21 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 47 TO TITLE 15 SO AS TO ENACT THE "UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT", TO PROVIDE AN EFFICIENT AND INEXPENSIVE PROCEDURE FOR LITIGANTS TO DEPOSE OUT-OF-STATE INDIVIDUALS AND FOR THE PRODUCTION OF DISCOVERABLE MATERIALS THAT MAY BE LOCATED OUT OF STATE.

Referred to Committee on Judiciary

S. 202 -- Senator Thomas: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF "ADMITTED ASSETS" TO INCLUDE THOSE ON THE INSURER'S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38-13-80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38-11-100; TO AMEND SECTION 38-9-10, RELATING

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TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38-10-40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38-33-130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38-55-80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

Referred to Committee on Labor, Commerce and Industry

S. 223 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-1-145, TO ENACT THE "PROVISIONS FOR COST OF ANIMAL CARE ACT OF 2009", TO PROVIDE THAT THE CUSTODIAN OF AN ANIMAL TAKEN INTO CUSTODY DUE TO CIVIL OR CRIMINAL VIOLATIONS BY ITS OWNER MAY PETITION THE COURT FOR EXPENSES RELATED TO PROVIDING CARE TO THE ANIMAL, TO ESTABLISH PROCEDURES FOR HEARING SUCH PETITIONS AND FOR THE COLLECTION AND USE OF FUNDS ORDERED TO BE PAID, TO PROVIDE THAT A PERSON WHO FAILS TO PAY SUCH FUNDS FORFEITS RIGHTS OF OWNERSHIP TO THE ANIMAL, TO PROVIDE FOR THE DISPOSITION OF SUCH AN ANIMAL, AND TO PROVIDE FOR THE RETURN OF FUNDS WHEN A PERSON IS NOT FOUND TO BE IN VIOLATION; TO AMEND SECTION 47-1-130, RELATING TO CRUELTY TO ANIMALS, TO PROVIDE THAT AGENTS OF THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR ANY OTHER SOCIETY DULY

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INCORPORATED FOR THAT PURPOSE, MAY ASSIST WITH A LAWFUL INVESTIGATION OF THIS CHAPTER, BUT MAY ONLY EFFECTUATE AN ARREST OF A PERSON IF THEY HAVE BEEN VESTED WITH THE POWER TO ARREST BY A SHERIFF OR THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY; AND TO AMEND SECTION 47-1-140, RELATING TO NOTICE PROVIDED TO THE OWNER OF ANIMALS WHICH HAVE BEEN SEIZED FROM OTHERS UPON ARREST, TO REMOVE SPECIAL PROVISIONS FOR AGENTS OF THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR ANY OTHER SOCIETY DULY INCORPORATED FOR THAT PURPOSE.

Referred to Committee on Judiciary

S. 301 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 38-9-225 AND 38-9-230 SO AS TO ENACT PROVISIONS REQUIRING CERTAIN INSURERS TO FILE A STATEMENT OF ACTUARIAL OPINION AND ACTUARIAL OPINION SUMMARY ANNUALLY AND PROVIDE FOR THE CONFIDENTIALITY OF THESE DOCUMENTS; TO AMEND SECTION 38-5-120, RELATING TO THE REVOCATION OR SUSPENSION OF LICENSE OF AN INSURER AND ITS OFFICERS AND AGENTS FOR THE PUBLICATION OF THE NOTICE, SO AS TO PROVIDE A PROCEDURE FOR AN AGGRIEVED INSURER TO REQUEST A HEARING BEFORE THE DIRECTOR OR HIS DESIGNEE AND PROVIDE RECOURSE THROUGH JUDICIAL REVIEW; TO AMEND SECTION 38-9-330, RELATING TO THE DEFINITION OF "COMPANY ACTION LEVEL EVENT", SO AS TO REDEFINE THE TERM; AND TO AMEND SECTION 38-21-95, RELATING TO APPROVAL FOR ACQUISITION OF A DOMESTIC INSURER BY A CONTROLLING PRODUCER IN ANOTHER STATE, SO AS TO DELETE THE APPLICABILITY TO FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

Referred to Committee on Labor, Commerce and Industry

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES

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MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Referred to Committee on Ways and Means

S. 328 -- Senators Verdin, Grooms, Cromer, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47-5-60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 360 -- Senator Hayes: A BILL TO AMEND SECTION 4-10-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY, SO AS TO DELETE A REQUIREMENT THAT THE TAX IS TO COLLECT A LIMITED AMOUNT OF MONEY; TO AMEND SECTION 4-10-330, AS AMENDED, RELATING TO THE COUNTY ORDINANCE AND BALLOT QUESTION FOR THE REFERENDUM REQUIRED, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE ORDINANCE AND THE DATES AND PURPOSES OF THE REFERENDUM; AND TO AMEND SECTION 4-10-340, AS AMENDED, RELATING TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO FURTHER PROVIDE FOR THE TERMINATION OF A NEWLY IMPOSED AND A REIMPOSED TAX.

Referred to Committee on Ways and Means

S. 363 -- Senator Alexander: A BILL TO AMEND SECTION 23-41-20 OF THE 1976 CODE, RELATING TO THE ARSON REPORTING IMMUNITY ACT, TO ADD CERTAIN PUBLIC SAFETY OFFICIALS TO THE LIST OF AGENCIES AUTHORIZED TO RECEIVE INFORMATION FROM AN INSURANCE COMPANY.

Referred to Committee on Judiciary

[HJ]

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S. 364 -- Senator Alexander: A BILL TO AMEND CHAPTER 9, TITLE 23 OF THE 1976 CODE , BY ADDING SECTION 23-9-25 TO ENACT THE "VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM" (V-SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, AND TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

Referred to Committee on Labor, Commerce and Industry

S. 383 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE "UNIFORM CHILD ABDUCTION PREVENTION ACT", TO PROVIDE A LEGAL MECHANISM TO PROTECT CHILDREN FROM CREDIBLE RISKS OF ABDUCTION RELATED TO LEGAL CUSTODY OR VISITATION.

Referred to Committee on Judiciary

S. 453 -- Senator Verdin: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

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S. 583 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO USE AND DISSEMINATION OF TEST RESULTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4049, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Education and Public Works

CONCURRENT RESOLUTION

The following was introduced:

H. 3759 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. AGNES GRAHAM DRAYTON OF LEE COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

HOUSE RESOLUTION

The following was introduced:

H. 3760 -- Rep. Harrison: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR TOM BOLAND OF RICHLAND COUNTY UPON THE OCCASION OF HIS RETIREMENT AFTER FOURTEEN YEARS WITH DEPARTMENT OF SOCIAL SERVICES AND TO WISH HIM SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 605 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE THE STUDENTS, FACULTY, STAFF, AND ADMINISTRATION OF LUGOFF-ELGIN MIDDLE SCHOOL IN

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KERSHAW COUNTY ON RECEIVING A 2009 CAROLINA FIRST PALMETTO'S FINEST AWARD.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 606 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE THE STUDENTS, FACULTY, STAFF, AND ADMINISTRATION OF SPRING VALLEY HIGH SCHOOL IN RICHLAND COUNTY ON RECEIVING A 2009 CAROLINA FIRST PALMETTO'S FINEST AWARD.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Gullick
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Kelly	Kennedy

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King	Kirsh	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
Moss	Nanney	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stewart
Stringer	Thompson	Toole
Umphlett	Vick	Weeks
White	Whitmire	Williams
Willis	Wylie	A. D. Young
T. R. Young		

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, March 25.

Tracy Edge	Douglas Jennings
Joseph Neal	Bakari Sellers
James E. Smith	Harold Mitchell
Thad Viers	Jerry Govan

Total Present--120

LEAVE OF ABSENCE

The SPEAKER granted Rep. BALLENTINE a leave of absence for the day due to business reasons.

DOCTOR OF THE DAY

Announcement was made that Dr. William Hueston of Charleston was the Doctor of the Day for the General Assembly.

SPECIAL PRESENTATION

Rep. HAYES presented to the House the Dillon Christian School "Warriors" Varsity Football Team, the 2008 South Carolina

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Independent Schools Association Champions, their coaches and other school officials.

SPECIAL PRESENTATION

Reps. MCLEOD, HUGGINS and BALLENTINE presented to the House the Chapin High School Varsity Cheerleaders, the 2008 Class AAA Cheerleading Champions, their coaches and other school officials.

STATEMENT FOR THE JOURNAL

Many spectator sports are very exciting. Those of us like my husband Dave are enjoying NCAA basketball, Super Bowl football, and the Clemson/Carolina football game. But, if you want real excitement come to the Darlington NASCAR race in May. Come to the Darlington International Raceway – the racetrack too tough to tame-granddaddy of them all. Reps. Lucas, Williams, and I are extremely happy and honored to recognize the Darlington Raceway's 60th year of racing history today.

Darlington is one of our great State's most treasured attractions and racing is a significant part of our State's race history. We are pleased to present a Concurrent Resolution which expresses the long held belief of the General Assembly that NASCAR racing is an integral and vital part of the State of South Carolina and its economy of tourism attractions.

The Darlington Raceway opened on September 4, 1950 with the first race of the Southern 500 – the first stock car race on a paved track. The Resolution designates the week of May 4 – May 10 as Darlington Raceway Week – the Race Week too tough to tame.

Persons from NASCAR who are here to accept this Resolution celebrating 60 years of racing in Darlington County are Chris Brown, President of Darlington Raceway; Mac Josey, Vice President and General Manager; Jake Harris, Director of Publicity; Jeff Taylor, Marketing Director; Harold King, Senior Advisor, Chaplain, Ambassador, "Mr. Raceway"; John Isquitt, Darlington Raceway Automobile Dealers; Dewitt Zemp, Southern Strategy Group and Cheryl Coxwell, Daytona International Speedway.

The late Mr. Harold Brazington, who was a professional dirt track stock car racer, was a visionary who had the idea and vision to bring stock car racing to Darlington after he attended a race in Indianapolis. He became friends with the late Bill France with Daytona racing. Darlington is the origin where the sport of stock car on a paved track

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actually started. Mr. Brazington bought several acres of land from Mr. Sherman Ramsey, which was being used for cotton and peanut farming, and then it turns into kind of a fishy story. Mr. Ramsey agreed to sell the property in the middle of the cotton field, only if it would not interfere with his minnow pond. This partially explains the reason why the Darlington track has a narrow, steep turn--to save the minnow pond! It survived for many years. The turns have different angles and are more challenging and demand that very skilled drivers are in control to master.

In 1950, Darlington was the first paved track anywhere in the country, other than Indianapolis. The average speed then was about 76 mph. Now qualifying speed for a race in Darlington is 170 mph. Bill France, Sr. owned the first car that won in Darlington. Today that car is outside on the lawn of the Darlington Museum. The car is a 1950 Plymouth which was driven by Johnny Mance. Another car, a Chevrolet was driven by Jim Reed who won the race in 1959. Another show car has been brought for you to see today.

The race was named the Southern 500 Race in 1957 and was held on Labor Day until 2004. The Darlington Raceway and Southern 500 are legendary due to the shape of the track and fishy story of why it's too tough to tame. The track became known as the Lady in Black because the walls were painted white, but by the end of a race they were black from the speeding cars throwing tar and rubber on them.

We invite you to this year's Southern 500 on May 9th for the Mother's Day Race held at the Darlington International Raceway. Darlington Raceway serves as a cornerstone - the origin of stock car racing - one of the fastest growing and most popular spectator sports in the country. South Carolina lays claim to many of the legends of NASCAR Racing--well known David Pearson, Cale Yarborough, Rex White, Bud Moore, James Hazelton, and Tiny Lund. The Darlington Racetrack is the premier track where the best of the best race.

You've probably heard that well-known racecar driver, Jeff Gordon bears a great resemblance to our Lt. Gov. He has come to Darlington seven times. Drivers have great enthusiasm and a special goal of winning in Darlington because it is too tough to tame! Let's welcome NASCAR officials and race fans to the State House. Darlington Raceway invites you for lunch in Room 112 Blatt Building.

Rep. Denny Neilson

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CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3724
Date: ADD:
03/25/09 E. H. PITTS

CO-SPONSOR ADDED

Bill Number: H. 3748
Date: ADD:
03/25/09 CHALK

CO-SPONSOR ADDED

Bill Number: H. 3673
Date: ADD:
03/25/09 LOWE

CO-SPONSOR ADDED

Bill Number: H. 3358
Date: ADD:
03/25/09 HORNE

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CO-SPONSOR REMOVED

Bill Number: H. 3415
Date: REMOVE:
03/25/09 SIMRILL

SENT TO THE SENATE

The following Bills and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 3705 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF ANDERSON SCHOOL DISTRICT 1 WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3438 -- Reps. Brady and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 38-9-225 AND 38-9-230 SO AS TO ENACT PROVISIONS REQUIRING CERTAIN INSURERS TO FILE A STATEMENT OF ACTUARIAL OPINION AND ACTUARIAL OPINION SUMMARY ANNUALLY AND PROVIDE FOR THE CONFIDENTIALITY OF THESE DOCUMENTS; TO AMEND SECTION 38-5-120, RELATING TO THE REVOCATION OR SUSPENSION OF LICENSE OF AN INSURER AND ITS OFFICERS AND AGENTS FOR THE PUBLICATION OF THE NOTICE, SO AS TO PROVIDE A PROCEDURE FOR AN AGGRIEVED INSURER TO REQUEST A HEARING BEFORE THE DIRECTOR OR HIS DESIGNEE AND PROVIDE RECOURSE THROUGH JUDICIAL REVIEW; TO AMEND SECTION 38-9-330, RELATING TO THE DEFINITION OF "COMPANY ACTION LEVEL EVENT", SO AS TO REDEFINE THE TERM; AND TO AMEND SECTION 38-21-95, RELATING TO APPROVAL FOR ACQUISITION OF A DOMESTIC INSURER BY A CONTROLLING PRODUCER IN ANOTHER STATE, SO AS TO DELETE THE APPLICABILITY TO FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

H. 3562 -- Reps. Brady and Sandifer: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF "GENERAL APPOINTMENT", "LOCAL APPOINTMENT", "SPECIAL APPOINTMENT", "CROP INSURANCE", AND "TRAVEL INSURANCE", CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38-39-20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY-FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY-FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38-43-106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38-43-110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER'S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALLY BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38-43-200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38-45-10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38-45-20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE

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THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

H. 3413 -- Rep. Harrison: A BILL TO AMEND SECTION 61-4-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING BEER KEG REGISTRATION REQUIREMENTS, SO AS TO REVISE THE DEFINITION OF "KEG".

H. 3664 -- Rep. Merrill: A BILL TO AMEND SECTION 59-147-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

ORDERED TO THIRD READING

The following Joint Resolution was taken up, read the second time, and ordered to a third reading:

H. 3733 -- Reps. Agnew and Gambrell: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF THE ABBEVILLE COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3561--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, March 26, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

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H. 3314--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3314 -- Rep. Harrison: A BILL TO AMEND SECTIONS 1-30-35, 44-20-30, 44-20-210, 44-20-220, 44-20-225, 44-20-240, 44-20-320, 44-20-350, 44-20-360, 44-20-430, 44-20-1120, 44-20-1130, 44-20-1140, 44-20-1150, 44-20-1160, 44-20-1170, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT IS HEADED AND GOVERNED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS SERVES AS AN ADVISORY BOARD TO THE DIRECTOR; AND TO REPEAL SECTION 44-20-230 RELATING TO POWERS AND DUTIES OF THE DIRECTOR.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7266AC09):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. A.Title 2 of the 1976 Code is amended by adding:

“CHAPTER 2

Legislative Oversight of Executive Departments

Section 2-2-5. The General Assembly finds and declares the following to be the public policy of the State of South Carolina:

(1) Section 1 of Article XII of the constitution of this State requires the General Assembly to provide for appropriate agencies to function in the areas of health, welfare, and safety and to determine the activities, powers, and duties of these agencies and departments.

(2) This constitutional duty is a continuing and ongoing obligation of the General Assembly that is best addressed by periodic review of the programs of the agencies and departments and their responsiveness to the needs of the state’s citizens by the standing committees of the State Senate or House of Representatives.

Section 2-2-10. As used in this chapter:

(1) ‘Agency’ means an authority, board, branch, commission, committee,

department, division, or other instrumentality of the executive or judicial departments of state government, including administrative

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bodies. 'Agency' includes a body corporate and politic established as an instrumentality of the State. 'Agency' does not include:

- (a) the legislative department of state government; or
- (b) a political subdivision.

(2) 'Investigating committee' means any standing committee or subcommittee of a standing committee exercising its authority to conduct an oversight study and investigation of an agency within the standing committee's subject matter jurisdiction.

(3) 'Program evaluation report' means a report compiled by an agency at the request of an investigating committee that may include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, compliance with its statutory mandate, and fiscal accountability.

(4) 'Request for information' means a list of questions that an investigating committee serves on a department or agency under investigation. The questions may relate to any matters concerning the department or agency's actions that are the subject of the investigation.

(5) 'Standing committee' means a permanent committee with a regular meeting schedule and designated subject matter jurisdiction that is authorized by the Rules of the Senate or the Rules of the House of Representatives.

Section 2-2-20. (A) Beginning January 1, 2011, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee's subject matter jurisdiction at least once every five years in accordance with a schedule adopted as provided in this chapter.

(B) The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee:

- (1) are being implemented and carried out in accordance with the intent of the General Assembly; and
- (2) should be continued, curtailed, or eliminated.

(C) The oversight studies and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee's subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee's subject matter jurisdiction; and

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(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee's subject matter jurisdiction.

Section 2-2-30. (A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)(1) The President *Pro Tempore* of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five-year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

(C)(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five-year review schedule must be published in the House Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

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(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee's full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) shall make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation, and

(2) shall not consist of fewer than three members.

Section 2-2-40. (A) In addition to the scheduled five-year oversight studies and investigations, a standing committee of the Senate or the House of Representatives may by one-third vote of the standing committee's membership initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies' functions, duties, and activities.

Section 2-2-50. When an investigating committee conducts an oversight study and investigation or a legislative investigation is conducted pursuant to Section 2-2-40(B), evidence or information related to the investigation may be acquired by any lawful means, including, but not limited to:

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(A) serving a request for information on the agency being studied or investigated. The request for information must be answered separately and fully in writing under oath and returned to the investigating committee within forty-five days after being served upon the department or agency. The time for answering a request for information may be extended for a period to be agreed upon by the investigating committee and the agency for good cause shown. The head of the department or agency shall sign the answers verifying them as true and correct. If any question contains a request for records, policies, audio or video recordings, or other documents, the question is not considered to have been answered unless a complete set of records, policies, audio or video recordings or other documents is included with the answer;

(B) deposing witnesses upon oral examination. A deposition upon oral examination may be taken from any person that the investigating committee has reason to believe has knowledge of the activities under investigation. The investigating committee shall provide the person being deposed and the agency under investigation with no less than ten days notice of the deposition. The notice to the agency shall state the time and place for taking the deposition and name and address of each person to be examined. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena must be attached to or included in the notice. The deposition must be taken under oath administered by the chairman of the investigating committee or his designee. The testimony must be taken stenographically or recorded by some other means and may be videotaped. A person may be compelled to attend a deposition in the county in which he resides or in Richland County;

(C) issuing subpoenas and subpoenas duces tecum pursuant to Chapter 69 of this title; and

(D) requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee. The investigating committee shall specify the agency program or programs or agency operations that it is studying or investigating and the information to be contained in the program evaluation report.

Section 2-2-60. (A) An investigating committee's request for a program evaluation report must contain:

(1) the agency program or operations that it intends to investigate;

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- (2) the information that must be included in the report; and
- (3) the date that the report must be submitted to the committee.

(B) An investigating committee may request that the program evaluation report contain any of the following information:

(1) enabling or authorizing law or other relevant mandate, including any federal mandates;

(2) a description of each program administered by the agency identified by the investigating committee in the request for a program evaluation report, including the following information:

(a) established priorities, including goals and objectives in meeting each priority;

(b) performance criteria, timetables, or other benchmarks used by the agency to measure its progress in achieving its goals and objectives;

(c) an assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet them in the future;

(3) organizational structure, including a position count, job classification, and organization flow chart indicating lines of responsibility;

(4) financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the last ten years;

(5) identification of areas where the agency has coordinated efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements;

(6) identification of the constituencies served by the agency or program, noting any changes or projected changes in the constituencies;

(7) a summary of efforts by the agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives;

(8) identification of emerging issues for the agency;

(9) a comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program;

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(10) agency policies for collecting, managing, and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies;

(11) a list of reports, applications, and other similar paperwork required to be filed with the agency by the public. The list must include:

- (a) the statutory authority for each filing requirement;
- (b) the date each filing requirement was adopted or last amended by the agency;
- (c) the frequency that filing is required;
- (d) the number of filings received annually for the last five years and the number of anticipated filings for the next five years;
- (e) a description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;

(12) any other relevant information specifically requested by the investigating committee.

(C) All information contained in a program evaluation report must be presented in a concise and complete manner.

(D) The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report and report its findings to the investigating committee. The chairman also may direct the Legislative Audit Council to perform its own audit of the program or operations being studied or investigated by the investigating committee.

(E) A state agency that is vested with revenue bonding authority may submit annual reports and annual external audit reports conducted by a third party in lieu of a program evaluation report.

Section 2-2-70. All testimony given to the investigating committee must be under oath.

Section 2-2-80. Any witness testifying before or deposed by the investigating committee may have counsel present to advise him. The witness or his counsel may, during the time of testimony or deposition, object to any question detrimental to the witness' interests and is entitled to have a ruling by the chairman on any objection. In making his ruling, the chairman of the investigating committee shall follow as closely as possible the procedures and rules of evidence observed by the circuit courts of this State.

Section 2-2-90. A witness shall be given the benefit of any privilege which he may have claimed in court as a party to a civil action."

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B. This SECTION takes effect July 1, 2009. /
Renumber sections to conform.
Amend title to conform.

Reps. M. A. PITTS, DUNCAN, VICK, CRAWFORD, JEFFERSON, MOSS, JENNINGS, ALLISON, PINSON, PARKS, HARRISON, PARKER and FUNDERBURK requested debate on the Bill.

H. 3022--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3022 -- Reps. Kirsh, Wylie, G. M. Smith and Weeks: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7268AHB09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be cited as the "Uniform Expungement of Criminal Records Act".

SECTION 2. Chapter 22, Title 17 of the 1976 Code is amended by adding:

"Article 9

Uniform Expungement of Criminal Records

Section 17-22-910. Applications for expungement of all criminal records must be administered by the solicitor's office in each circuit in the State as authorized pursuant to:

(1) Section 34-11-90(e), first offense misdemeanor fraudulent check;

(2) Section 44-53-450(b), conditional discharge for simple possession of marijuana or hashish;

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- (3) Section 22-5-910, first offense conviction in magistrates court;
- (4) Section 22-5-920, youthful offender act;
- (5) Section 56-5-750(f), first offense failure to stop when signaled by a law enforcement vehicle;
- (6) Section 17-22-150(a), pretrial intervention;
- (7) Section 17-1-40, criminal records destruction, except as provided in Section 17-22-350;
- (8) Section 20-7-8525, juvenile expungements;
- (9) Section 17-22-530(a), alcohol education program; and
- (10) any other statutory authorization.

Section 17-22-920. The clerk of court shall direct all inquiries concerning the expungement process to the corresponding solicitor's office to make application for expungement.

Section 17-22-930. A person applying to expunge a criminal record shall obtain the appropriate blank expungement order form from the solicitor's office in the judicial circuit where the charge originated. The use of this form is mandatory and to the exclusion of all other expungement forms.

Section 17-22-940. (A) In exchange for an expungement service that is provided by the solicitor's office, the applicant is responsible for payment to the solicitor's office of an administrative fee in the amount of two-hundred-fifty-dollars per individual order, which must be retained by that office and used to defray the costs associated with the expungement process, except as provided in subsection (B). The two-hundred-fifty-dollar fee is nonrefundable, regardless of whether the offense is later determined to be statutorily ineligible for expungement or the solicitor or his designee does not consent to the expungement.

(B) The solicitor's office prosecuting the case in a court of general sessions, at no cost to the accused person, shall cause an order for expungement to be issued for a person who is found not guilty or who has his charges dismissed or nolle prossed pursuant to Section 17-1-40 unless the:

- (1) accused person has other charges pending;
- (2) solicitor believes that the evidence in the case needs to be preserved and notifies the accused person in writing at the address listed on his bond form, or through his attorney, no later than thirty days after the person is found not guilty or his charges are dismissed or nolle prossed; or

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(3) accused person's charges were dismissed as a part of a plea agreement.

(C) The solicitor's office shall implement policies and procedures consistent with this section to ensure that the expungement process is properly conducted. This includes, but is not limited to:

(1) assisting the applicant in completing the expungement order form;

(2) collecting from the applicant and distributing to the appropriate agencies separate certified checks or money orders for charges prescribed by this article;

(3) coordinating with the South Carolina Law Enforcement Division (SLED) and, in the case of juvenile expungements, the Department of Juvenile Justice, to confirm that the criminal charge is statutorily appropriate for expungement;

(4) obtaining and verifying the presence of all necessary signatures;

(5) filing the completed expungement order with the clerk of court; and

(6) providing copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the:

(a) arresting law enforcement agency;

(b) detention facility or jail;

(c) solicitor's office;

(d) magistrates or municipal court where the arrest warrant originated;

(e) magistrates or municipal court that was involved in any way in the criminal process of the charge sought to be expunged;

(f) Department of Juvenile Justice; and

(g) SLED.

(D) The solicitor or his designee also must provide a copy of the completed expungement order to the applicant or his retained counsel.

(E) In cases when charges are sought to be expunged pursuant to Section 17-22-150(a), 17-22-530(a), 22-5-910, or 44-53-450(b), the circuit pretrial intervention director, alcohol education program director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.

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(F) SLED shall verify and document that the criminal charges in all cases, except in cases when charges are sought to be expunged pursuant to Section 17-1-40, are appropriate for expungement before the solicitor or his designee, and then a circuit court judge, or a family court judge in the case of a juvenile, signs the application for expungement. If the expungement is sought pursuant to Section 34-11-90(e), Section 22-5-910, Section 22-5-920, or Section 56-5-750(f), the conviction for any traffic related offense which is punishable only by a fine or loss of points will not be considered as a bar to expungement.

(1) SLED shall receive a twenty-five-dollar certified check or money order from the solicitor or his designee on behalf of the applicant made payable to SLED for each verification request, except that no verification fee may be charged when an expungement is sought pursuant to Section 17-1-40, 17-22-150(a), or 44-53-450(b). SLED then shall forward the necessary documentation back to the solicitor's office involved in the process.

(2) In the case of juvenile expungements, verification and documentation that the charge is statutorily appropriate for expungement must first be accomplished by the Department of Juvenile Justice and then SLED.

(3) Neither SLED, the Department of Juvenile Justice, nor any other official shall allow the applicant to take possession of the application for expungement during the expungement process.

(G) The applicant also is responsible to the clerk of court for the filing fee per individual order as required by Section 8-21-310(21), which must be forwarded to the clerk of court by the solicitor or his designee and deposited in the county general fund. If the charge is determined to be statutorily ineligible for expungement, this prepaid clerk of court filing fee must be refunded to the applicant by the solicitor or his designee.

(H) Each expungement order may contain only one charge sought to be expunged, except in those circumstances when expungement is sought for multiple charges occurring out of a single incident and subject to expungement pursuant to Section 17-1-40 or 17-22-150(a). Only in those circumstances may more than one charge be included on a single application for expungement and, when applicable, only one two-hundred-fifty-dollar fee, one twenty-five-dollar SLED verification fee, and one thirty-five-dollar clerk of court filing fee may be charged.

(I) A filing fee may not be charged by the clerk's office to an applicant seeking the expungement of a criminal record pursuant to

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Section 17-1-40, when the charge was discharged, dismissed, nolle prossed, or the applicant was acquitted.

(J) Nothing in this article precludes an applicant from retaining counsel to apply to the solicitor's office on his behalf or precludes retained counsel from initiating an action in circuit court seeking a judicial determination of eligibility when the solicitor, in his discretion, does not consent to the expungement. In either event, retained counsel is responsible to the solicitor or his designee, when applicable, for the two-hundred-fifty-dollar fee, the twenty-five-dollar SLED verification fee, and the thirty-five-dollar clerk of court filing fee which must be paid by retained counsel's client.

(K) The solicitor or his designee has the discretion to waive the two-hundred-fifty-dollar fee only in those cases when it is determined that a person has been falsely accused of a crime as a result of identity theft.

(L) Each solicitor's office shall maintain a record of all fees collected related to the expungement of criminal records, which must be made available to the chairmen of the House and Senate Judiciary Committees. Those records shall remain confidential otherwise.

Section 17-22-950. (A) When criminal charges are brought in a summary court and the accused person is found not guilty or if the charges are dismissed or nolle prossed, pursuant to Section 17-1-40, the presiding judge of the summary court, at no cost to the accused person, immediately shall issue an order to expunge the criminal records of the accused person unless the dismissal of the charges occurs at a preliminary hearing or unless the accused person has charges pending in summary court and a court of general sessions and such charges arise out of the same course of events. This expungement must occur no sooner than the appeal expiration date and no later than thirty days after the appeal expiration date. Upon issuance of the order, the judge of the summary court or a member of the summary court staff must coordinate with SLED to confirm that the criminal charge is statutorily appropriate for expungement; obtain and verify the presence of all necessary signatures; file the completed expungement order with the clerk of court; provide copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the arresting law enforcement agency, the detention facility or jail, the solicitor's office, the magistrates or municipal court where the arrest warrant originated, the magistrates or municipal court that was involved in any way in the criminal process of the charge sought to be expunged, and SLED. The judge of the summary court or

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a member of the summary court staff also must provide a copy of the completed expungement order to the applicant or his retained counsel. The prosecuting agency or appropriate law enforcement agency may file an objection to a summary court expungement. If an objection is filed by the prosecuting agency or law enforcement agency, that expungement then must be heard by the judge of a general sessions court. The prosecuting agency's or the appropriate law enforcement agency's reason for objecting must be that the:

- (1) accused person has other charges pending;
- (2) prosecuting agency or the appropriate law enforcement agency believes that the evidence in the case needs to be preserved; or
- (3) accused person's charges were dismissed as a part of a plea agreement.

(B) If the prosecuting agency or the appropriate law enforcement agency objects to an expungement order being issued pursuant to subsection (A)(2), the prosecuting agency or appropriate law enforcement agency must notify the accused person of the objection. This notice must be given in writing at the address listed on the accused person's bond form, or through his attorney, no later than thirty days after the person is found not guilty or his charges are dismissed or nolle prossed."

SECTION 3. Section 17-1-40(A) of the 1976 Code, as last amended by Act 82 of 2007, is further amended to read:

"(A) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found ~~to be innocent~~ not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge may be retained by any municipal, county, or state law enforcement agency. A person who intentionally retains the arrest and booking record, files, mugshots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court."

SECTION 4. Section 22-5-910(A) and (B) of the 1976 Code is amended to read:

"(A) Following a first offense conviction ~~in a magistrates court or a municipal court~~, for a crime carrying a penalty of not more than thirty days imprisonment or a fine of five hundred dollars, or both, the defendant after three years from the date of the conviction may apply, or cause someone acting on his behalf to apply, to the circuit court for

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an order expunging the records of the arrest and conviction. However, this section does not apply to:

- (1) an offense involving the operation of a motor vehicle;
- (2) a violation of Title 50 or the regulations promulgated pursuant to Title 50 for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses are authorized; or
- (3) an offense contained in Chapter 25 of Title 16, except first offense criminal domestic violence as contained in Section 16-25-20, which may be expunged five years from the date of the conviction.

(B) If the defendant has had no other conviction during the three-year period, or during the five-year period as provided in subsection (A)(3), following the first offense conviction ~~in a magistrates court or a municipal court, for a crime carrying a penalty of not more than thirty days imprisonment or a fine of not more than five hundred dollars, or both,~~ the circuit court may issue an order expunging the records. No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.”

SECTION 5. Section 22-5-920(B) of the 1976 Code is amended to read:

“(B) Following a first offense conviction as a youthful offender, the defendant after ~~fifteen~~ five years from the date of ~~the conviction~~ completion of his sentence, including probation and parole, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction. However, this section does not apply to an offense involving the operation of a motor vehicle, to a violation of Title 50 or the regulations promulgated under it for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses authorized, to an offense classified as a violent crime in Section 16-1-60, or to an offense contained in Chapter 25 of Title 16, except as otherwise provided in Section 16-25-30. If the defendant has had no other conviction during the ~~fifteen~~ five-year period following ~~the completion of his sentence, including probation and parole,~~ for a first offense conviction as a youthful offender, the circuit court may issue an order expunging the records. No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred before the effective date of this section.”

SECTION 6. Section 44-53-450(b) of the 1976 Code is amended to read:

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“(B) Upon the dismissal of ~~such~~the person and discharge of the proceedings against him ~~under~~pursuant to subsection (a)~~of this section~~, ~~such person if he was not over twenty-five years of age at the time of the offense~~, and if the offense did not involve a controlled substance classified in Schedule I which is a narcotic drug and Schedule II which is a narcotic drug, may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained as provided in subsection (a)~~of this section~~) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after hearing, that ~~such~~the person was dismissed and the proceedings against him discharged~~and that he was not over twenty-five years of age at the time of the offense~~, it shall enter ~~such~~the order. The effect of ~~such~~the order ~~shall be~~is to restore ~~such~~the person, in the contemplation of the law, to the status he occupied before ~~such~~the arrest or indictment or information. No person as to whom ~~such~~the order has been entered ~~shall~~may be held ~~thereafter under any~~pursuant to another provision of ~~any~~law to be guilty of perjury or otherwise giving a false statement by reason of his ~~failures~~failure to recite or acknowledge ~~such~~the arrest, or indictment or information, or trial in response to ~~any~~an inquiry made of him for any purpose.”

SECTION 7. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. KELLY explained the amendment.
The amendment was then adopted.

Rep. HART proposed the following Amendment No. 2 (COUNCIL\MS\7296AHB09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 22-5-920(A) of the 1976 Code is amended to read:

“(A) As used in this section, the term:

(1) ‘Conviction’ includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail.

(2) ‘Youthful offender’ means a person seventeen years of age but less than twenty-five years of age at the time of conviction or a person convicted as a Youthful Offender as defined in Section 24-19-10.” /

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Amend the bill further, by deleting Section 17-22-910(4), as contained in SECTION 2, page 3022-1, line 41, and inserting:

/ (4) Section 22-5-920, youthful offenders; /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

H. 3677--COMMITTED

The following Bill was taken up:

H. 3677 -- Rep. Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "VIOLENCE AGAINST WOMEN FEDERAL COMPLIANCE ACT" TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS BY AMENDING SECTION 16-3-740 RELATING TO TESTING CERTAIN CRIMINALS FOR HEPATITIS B AND THE HUMAN IMMUNODEFICIENCY VIRUS AT THE REQUEST OF A VICTIM, SO AS TO REVISE THE DEFINITION OF "OFFENDER" TO INCLUDE ADULTS AND JUVENILES, TO CLARIFY PROCEDURES FOR DISCLOSING TEST RESULTS, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL ADVISE THE VICTIM OF AVAILABLE TREATMENT OPTIONS, AND UPON REQUEST OF THE VICTIM PROVIDE TESTING AND POST-TESTING COUNSELING; BY ADDING SECTION 16-3-750 SO AS TO PROHIBIT LAW ENFORCEMENT AND PROSECUTING OFFICERS FROM ASKING OR REQUIRING A VICTIM OF AN ALLEGED CRIMINAL SEXUAL CONDUCT OFFENSE TO SUBMIT TO A POLYGRAPH EXAMINATION AND TO PROVIDE THAT REFUSAL OF A VICTIM TO SUBMIT TO SUCH AN EXAMINATION DOES NOT PREVENT THE INVESTIGATION, CHARGING, OR PROSECUTION OF THE OFFENSE; TO AMEND SECTION 16-3-1350 RELATING TO MEDICOLEGAL EXAMINATIONS FOR VICTIMS OF CRIMINAL SEXUAL CONDUCT OR CHILD SEX ABUSE, SO AS TO DELETE THE PROVISION REQUIRING SUCH A VICTIM TO FILE AN

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INCIDENT REPORT WITH A LAW ENFORCEMENT AGENCY IN ORDER TO RECEIVE A MEDICOLEGAL EXAMINATION WITHOUT CHARGE; TO AMEND SECTION 16-3-177, AS AMENDED, RELATING TO THE FORM AND CONTENT OF A RESTRAINING ORDER, SO AS TO PROVIDE CIRCUMSTANCES UNDER WHICH A PERSON SUBJECT TO A RESTRAINING ORDER MAY NOT SHIP, TRANSPORT, OR POSSESS A FIREARM; BY ADDING SECTION 16-25-30 SO AS TO PROVIDE THAT A PERSON CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE MUST BE NOTIFIED IN WRITING THAT IT IS UNLAWFUL FOR SUCH A DEFENDANT TO SHIP, TRANSPORT, OR POSSESS A FIREARM; AND TO AMEND SECTION 20-4-60, AS AMENDED, RELATING TO THE FORM AND CONTENT OF AN ORDER OF PROTECTION FROM DOMESTIC VIOLENCE, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON SUBJECT TO AN ORDER OF PROTECTION TO SHIP, TRANSPORT, OR POSSESS A FIREARM.

Rep. M. A. PITTS moved to commit the Bill to the Committee on Judiciary.

Rep. CRAWFORD demanded the yeas and nays which were taken, resulting as follows:

Yeas 70; Nays 41

Those who voted in the affirmative are:

Agnew	Allison	Bannister
Barfield	Bedingfield	Bingham
Bowen	Bowers	Brady
Cato	Chalk	Clemmons
Cole	Cooper	Crawford
Daning	Delleney	Duncan
Erickson	Forrester	Frye
Funderburk	Gambrell	Haley
Hamilton	Hardwick	Harrell
Harrison	Hearn	Hiott
Horne	Huggins	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	McLeod	Merrill

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Millwood	Nanney	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	D. C. Smith
G. M. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stewart	Stringer	Thompson
Toole	Viers	White
Whitmire	Wylie	A. D. Young
T. R. Young		

Total--70

Those who voted in the negative are:

Alexander	Allen	Anderson
Anthony	Bales	Battle
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Clyburn
Cobb-Hunter	Dillard	Gilliard
Gullick	Gunn	Hart
Harvin	Hayes	Hodges
Hosey	Howard	Hutto
Jefferson	Jennings	Kennedy
King	Mack	McEachern
Miller	Mitchell	Moss
J. H. Neal	J. M. Neal	Neilson
Parks	J. E. Smith	Vick
Weeks	Williams	

Total--41

So, the Bill was committed.

RECORD FOR VOTING

During the vote to commit H. 3677, I intended to vote in favor of committing the Bill to the Judiciary Committee, however, due to technical difficulties with my voting system, my 'yea' vote was not recorded.

Rep. Dennis Moss

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H. 3748--POINT OF ORDER

The following Bill was taken up:

H. 3748 -- Reps. Duncan, Clemmons and Chalk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-24 SO AS TO PROVIDE THAT THE VALUE OF OWNER OCCUPIED PROPERTY MUST BE INCLUDED IN THE CALCULATION OF THE INDEX OF TAXPAYING ABILITY UNTIL A PERMANENT CHANGE IN THE METHOD OF ITS CALCULATION IS ENACTED; AND TO CREATE THE INDEX OF TAXPAYING ABILITY STUDY COMMITTEE, TO PROVIDE FOR ITS MEMBERSHIP AND ITS PURPOSE, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY 10, 2010, UPON WHICH DATE THE COMMITTEE SHALL DISSOLVE.

Rep. CLEMMONS explained the Bill.

POINT OF ORDER

Rep. STAVRINAKIS made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3428--RECALLED FROM COMMITTEE ON
WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 3428 -- Reps. Harrell, Cooper and Ott: A BILL TO AMEND SECTION 2-7-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRINTING AND DISTRIBUTION OF ACTS, SO AS TO PROVIDE FOR THE MAILING OF ACTS NOT PLACED ON THE DESKS OF MEMBERS OF THE GENERAL ASSEMBLY WHEN THE MEMBER REQUESTS THE SERVICES, REQUIRE THE CLERKS OF THE GENERAL ASSEMBLY TO MAKE ALL ACTS AVAILABLE TO THE PUBLIC AFTER APPROVAL BY THE GOVERNOR, AND GENERALLY RESTRUCTURE THE

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DISTRIBUTION OF ACTS; TO AMEND SECTION 2-13-190, RELATING TO PRINTING IN SIGNATURES AND DISTRIBUTION OF PAGE PROOFS OR ADVANCE SHEETS, SO AS TO DELETE THE REQUIREMENT THAT THE CODE COMMISSIONER SEND A COPY OF EACH ADVANCE SHEET TO A DELINEATED LIST OF PERSONS, PROVIDE FOR PRINTING BY THE OFFICE OF LEGISLATIVE PRINTING, INFORMATION AND TECHNOLOGY SYSTEMS (LPITS) OF NOT MORE THAN TWENTY-FIVE COPIES OF THE ADVANCE SHEETS AS THE CODE COMMISSIONER ORDERS, AND TO DIRECT LPITS TO PUBLISH THE ADVANCE SHEETS ONLINE AS DIRECTED BY THE CODE COMMISSIONER; TO AMEND SECTION 8-15-40, RELATING TO THE DELIVERY OF THE CODE AND SUPPLEMENTS TO SUCCESSORS IN OFFICE, SO AS TO ALLOW THE CODE COMMISSIONER TO DETERMINE THE VALUE OF THE SET; TO AMEND SECTION 11-25-640, AS AMENDED, RELATING TO PERSONS ENTITLED TO RECEIVE ACTS AND JOINT RESOLUTIONS, SO AS TO NARROW THE LIST OF THOSE PERSONS RECEIVING THE ACTS AND JOINT RESOLUTIONS; AND TO AMEND SECTION 11-25-650, RELATING TO DISTRIBUTION OF COPIES AND PUBLICATIONS TO THE UNIVERSITY OF SOUTH CAROLINA LAW LIBRARY, SO AS TO DECREASE THE NUMBER OF COPIES PROVIDED OF THE ACTS AND JOINT RESOLUTIONS, THE CODE, AND THE REPORTS OF THE SUPREME COURT.

**H. 3589--RECALLED FROM THE ANDERSON
DELEGATION**

On motion of Rep. WHITE, with unanimous consent, the following Bill was ordered recalled from the Anderson Delegation:

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell:
A BILL TO AMEND ACT 269 OF 1989, AS AMENDED, RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT

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THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

H. 3644--TABLED

The Senate Amendments to the following Concurrent Resolution were taken up for consideration:

H. 3644 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX ELEVEN O'CLOCK A.M. ON WEDNESDAY, MARCH 25, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

Rep. DELLENEY moved to table the Concurrent Resolution, which was agreed to.

H. 3583--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE

The Senate Amendments to the following Joint Resolution were taken up for consideration:

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Rep. DUNCAN proposed the following Amendment No. 1 (COUNCIL\NBD\11380BH09), which was adopted:

Amend the joint resolution, as and if amended, SECTION 2, page 1, lines 35 through 39, by striking SECTION 2 in its entirety and inserting:

/SECTION 2. A school district, private school, or home school, may close for up to three days on dates chosen by the school district, private school, or home school during the 2008-2009 school year. Any

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requirements to make up the school days missed by students on these dates pursuant to this section are waived./

Renumber sections to conform.

Amend title to conform.

Rep. OWENS explained the amendment.

Rep. DUNCAN spoke in favor of the amendment.

The amendment was then adopted.

The Senate Amendments, as amended, were then agreed to and the Joint Resolution was ordered returned to the Senate.

H. 3673--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 3673 -- Reps. Forrester, Parker, Duncan, Hiott, Allison, Cole, Cooper, Daning, Kelly, Littlejohn, Owens, M. A. Pitts, Rice, Stringer, Wylie, T. R. Young, J. R. Smith, D. C. Smith, Stewart, Millwood, Bedingfield and Lowe: A CONCURRENT RESOLUTION TO EXPRESS THE OPPOSITION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA TO THE FIREARM LICENSING AND RECORD OF SALE ACT OF 2009 RECENTLY INTRODUCED IN THE CONGRESS WHICH WOULD, AMONG OTHER PROVISIONS, REQUIRE ALL FIREARM OWNERS TO APPLY FOR AND CARRY A FEDERALLY ISSUED PICTURE IDENTIFICATION IN ORDER TO KEEP ANY FIREARM IN THEIR HOMES, AND TO MEMORIALIZE THE CONGRESS TO CEASE AND DESIST FROM ATTEMPTING TO ENACT ANY FEDERAL LEGISLATION INFRINGING ON THE CONSTITUTIONAL RIGHT TO EVERY AMERICAN TO KEEP AND BEAR ARMS.

The Concurrent Resolution was adopted and sent to the Senate.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. CATO.

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H. 3305--ORDERED TO THIRD READING

The following Joint Resolution was taken up:

H. 3305 -- Reps. Bedingfield, Merrill, Bingham, Duncan, Loftis, G. R. Smith, Cato, Owens, Crawford, A. D. Young, Nanney, Bannister, Daning, Harrison, Horne, Kirsh, Lowe, Lucas, E. H. Pitts, Stringer, Thompson, Toole, Wylie, T. R. Young, Long, Rice, Parker, Allison, Littlejohn, Cole, Hiott, Edge, Whitmire, Hearn, Hardwick, D. C. Smith, Pinson, J. R. Smith, Simrill, Brantley, Willis, Hamilton, Erickson, Sottile, Scott, Harrell, Delleney, Gullick, Frye, Clemmons, G. M. Smith, Battle, Sandifer, Millwood, Haley, Ballentine, M. A. Pitts, Cooper, White, Gambrell, Bowen, Umphlett, Forrester, Barfield, Chalk, Herbkersman, Viers, Spires, Huggins, Limehouse, Stewart, Kelly, Brady and Moss: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE, SO AS TO PROVIDE THAT THE GUARANTEE OF THE RIGHT TO VOTE BY SECRET BALLOT APPLIES IN REQUIRED DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

Rep. BEDINGFIELD explained the Joint Resolution.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 88; Nays 25

Those who voted in the affirmative are:

Agnew	Allison	Anthony
Bales	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	H. B. Brown
Cato	Chalk	Clemmons
Cole	Cooper	Crawford
Daning	Delleney	Duncan
Erickson	Forrester	Frye
Funderburk	Gambrell	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Hayes

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Hearn	Herbkersman	Hiott
Horne	Huggins	Jennings
Kelly	Kirsh	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Merrill
Miller	Millwood	Moss
Nanney	J. M. Neal	Neilson
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stewart	Stringer	Thompson
Toole	Umphlett	Vick
Viers	White	Whitmire
Willis	Wylie	A. D. Young
T. R. Young		

Total--88

Those who voted in the negative are:

Alexander	Allen	Anderson
R. L. Brown	Clyburn	Cobb-Hunter
Dillard	Gilliard	Gunn
Hart	Harvin	Hodges
Hosey	Howard	Hutto
Jefferson	Kennedy	King
Mack	McEachern	McLeod
J. H. Neal	Parks	Weeks
Williams		

Total--25

So, the Joint Resolution was read the second time and ordered to third reading.

STATEMENT FOR THE JOURNAL

Thank you to all the House co-sponsors of H. 3305, all 72 of you, as of yesterday. You've shown leadership to step forward and support

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this idea because you know it's the best policy for your constituents and the State we all love so much.

Most importantly, I want to thank the constituents who wrote, e-mailed, and called their House Members to express their views on this issue. All the line workers, human resource managers, plant managers, the small business owners and the business community, that called their Representatives in Columbia, your efforts will hopefully make a difference today.

This Joint Resolution, amending South Carolina's Constitution, is only forty-seven words long. But in my opinion, it is one of the most important amendments we've considered to the State Constitution. Ultimately, this is an idea that makes a statement about the interests, principles, and values of the the State of South Carolina.

In my opinion, the right to a secret ballot is a substantial interest of the State of South Carolina. I know that a few in this Chamber have expressed skepticism about this amendment, suggesting that a simple statute would suffice. It would be much easier, not requiring the two-thirds vote threshold of a constitutional amendment. However, protecting someone's right to a secret ballot was too important not to have in our State Constitution.

Rep. Eric Bedingfield

RECORD FOR VOTING

I was temporarily absent from the Chamber, attending the Santee Cooper Screening Subcommittee of the State Public Utilities Review Committee in the Gressette Building, when the House voted on the passage of H. 3305. If I had been present, I would have voted in favor of the Bill.

Rep. Harry L. Ott, Jr.

LEAVE OF ABSENCE

The SPEAKER granted Rep. SOTTILE a leave of absence for the remainder of the day.

H. 3084--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3084 -- Reps. Toole, Wylie and Hamilton: A BILL TO AMEND SECTION 57-3-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL, SO AS TO PROVIDE THAT

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UNLESS THE HIGHWAY FACILITY IS DEDICATED AND NAMED IN HONOR OF EITHER A SERVICEMAN OR LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY, PUBLIC FUNDS MAY NOT BE USED TO REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE EXPENSES IT INCURS TO NAME AND DEDICATE THE HIGHWAY FACILITY.

Rep. MILLER proposed the following Amendment No. 5 (COUNCIL\SWB\5839CM09), which was adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION __. Article 7, Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57-3-612. Before June 30, 2010, no ‘C’ Fund or General Fund revenues may be used to defray the costs of purchasing or erecting signing for traffic generators, except as contained in the Department of Transportation Guideline Number TG-14, approved July 7, 2007. Subsequent to June 30, 2010, no ‘C’ Fund or General Fund revenues may be used to defray the costs of purchasing or erecting signing for traffic generators, except as shall be contained in Department of Transportation regulation enacted for this purpose pursuant to this section. /

Renumber sections to conform.

Amend title to conform.

Rep. MILLER explained the amendment.

The amendment was then adopted.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 84; Nays 18

Those who voted in the affirmative are:

Agnew	Alexander	Allison
Anderson	Anthony	Bales
Bannister	Barfield	Battle
Bingham	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	Cato
Chalk	Clemmons	Cole
Crawford	Daning	Delleney

[HJ]

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Duncan	Erickson	Forrester
Frye	Funderburk	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Harvin
Hayes	Hearn	Herbkersman
Hiott	Huggins	Jefferson
Jennings	Kelly	Kirsh
Limehouse	Loftis	Long
Lowe	Lucas	McLeod
Merrill	Miller	Millwood
Mitchell	Moss	Nanney
J. M. Neal	Neilson	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	White
Willis	Wylie	T. R. Young

Total--84

Those who voted in the negative are:

Allen	R. L. Brown	Clyburn
Dillard	Gambrell	Gilliard
Gunn	Hart	Hosey
Howard	Hutto	King
Mack	McEachern	J. H. Neal
J. E. Smith	Weeks	Williams

Total--18

So, the Bill, as amended, was read the second time and ordered to third reading.

LEAVE OF ABSENCE

The SPEAKER granted Rep. HEARN a leave of absence for the remainder of the day.

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RECURRENCE TO THE MORNING HOUR

Rep. THOMPSON moved that the House recur to the Morning Hour, which was agreed to.

REPORT OF STANDING COMMITTEE

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3131 -- Reps. Toole, M. A. Pitts and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-711 SO AS TO DESIGNATE THE "SUMMER DUCK" AS THE OFFICIAL STATE DUCK.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 3764 -- Reps. Funderburk, J. E. Smith, G. R. Smith and J. R. Smith: A HOUSE RESOLUTION TO ENCOURAGE THE CITIZENS OF SOUTH CAROLINA TO PARTICIPATE IN THE RIDE OF SILENCE TO BE HELD IN COLUMBIA ON WEDNESDAY, MAY 20, 2009, AND TO ENCOURAGE CITIZENS AND GOVERNMENTAL ENTITIES ACROSS THE STATE TO ORGANIZE RIDES OF SILENCE IN THEIR OWN COMMUNITIES.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3765 -- Reps. G. R. Smith, Wylie, Willis, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse,

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Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Mitchell, Millwood, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE THE STUDENTS, FACULTY, STAFF, AND ADMINISTRATION OF BELL'S CROSSING ELEMENTARY SCHOOL IN GREENVILLE COUNTY ON RECEIVING A 2009 CAROLINA FIRST PALMETTO'S FINEST AWARD.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3766 -- Rep. Scott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MYERS ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 "FIREFIGHTER BRANDON THOMPSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FIREFIGHTER BRANDON THOMPSON HIGHWAY".

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

CONCURRENT RESOLUTION

The following was introduced:

H. 3767 -- Rep. Alexander: A CONCURRENT RESOLUTION TO HONOR THE LIFE AND LEGACY OF ERVIN JAMES, FOUNDER OF JAMESTOWN IN FLORENCE COUNTY, AND TO CELEBRATE THE RICH CONTRIBUTIONS HE MADE TO AFRICAN-AMERICAN HISTORY, AGRICULTURE, AND

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COMMUNITY GROWTH AT A TIME WHEN MANY AFRICAN AMERICANS STRUGGLED TO SURVIVE.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3768 -- Rep. Chalk: A BILL TO AMEND SECTION 4-10-25, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF CERTAIN CONSTRUCTION CONTRACTS FROM A LOCAL OPTION SALES TAX FOR COUNTY OR MUNICIPAL OPERATIONS UNDER WHICH TANGIBLE PERSONAL PROPERTY IS TO BE DELIVERED AFTER THE IMPOSITION DATE OF THE TAX, SO AS TO REVISE THE TERMS AND CONDITIONS UNDER WHICH THESE CONSTRUCTION CONTRACTS ARE EXEMPT.

Referred to Committee on Ways and Means

H. 3769 -- Reps. Bales and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-140 SO AS TO ADOPT SEISMIC AND WIND MAPS FOR THE STATE; BY ADDING SECTION 6-9-150 SO AS TO ESTABLISH AN APPEAL PROCEDURE FOR A BUILDER FROM THE LOCAL BUILDING COUNCIL TO THE STATE LEVEL; TO AMEND SECTION 6-8-20, RELATING TO THE RESPONSIBILITY OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO DESIGNATE THE COUNCIL IN THE MATTERS RELATING TO RESIDENTIAL INSPECTION OR ENFORCEMENT; TO AMEND SECTION 6-9-5, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON PERFORMING BUILDING CODE ENFORCEMENT MUST BE CERTIFIED, SO AS TO REQUIRE THIS PERSON TO BE CERTIFIED BY THE SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-20, AS AMENDED, RELATING TO THE AUTHORITY OF MUNICIPALITIES AND COUNTIES TO ESTABLISH AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES TO ISSUE PERMITS AND ENFORCE BUILDING CODES, SO AS TO

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MAKE TECHNICAL CHANGES CONSISTENT WITH NAMING OF THE BUILDING CODES COUNCILS; TO AMEND SECTION 6-9-40, AS AMENDED, RELATING TO THE BUILDING CODE ADOPTION PROCEDURE, SO AS TO CREATE A SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL AND THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL AND PROVIDE THAT THE TWO COUNCILS SHALL PROMULGATE REGULATIONS ADOPTING THE SOUTH CAROLINA BUILDING CODES AND SUBMIT THEM TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF CHAPTER 23, TITLE 1 (ADMINISTRATIVE PROCEDURES ACT); TO AMEND SECTION 6-9-50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONALLY RECOGNIZED CODES AND STANDARDS, SO AS TO ESTABLISH RESPONSIBILITY FOR THE SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL TO BE RESPONSIBLE FOR ADOPTION AND MODIFICATION OF THE RESIDENTIAL SECTIONS OF THE SOUTH CAROLINA BUILDING CODES COUNCIL AND THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL TO BE RESPONSIBLE FOR THE ADOPTION OF ALL OTHER CODES LISTED IN THE SECTION; TO AMEND SECTION 6-9-63, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO CHANGE THE COMPOSITION OF THE COUNCILS FOR PURPOSES OF CREATING THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL AND ESTABLISH A SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL AND PROVIDE FOR THEIR COMPOSITION; TO AMEND SECTION 6-9-80, AS AMENDED, RELATING TO THE INJUNCTIVE RELIEF AND OTHER PROCEEDINGS FOR VIOLATION OF CHAPTER 9, TITLE 6, SO AS TO MAKE VIOLATION PRECATORY INSTEAD OF MANDATORY; TO AMEND SECTION 6-9-105, RELATING TO VARIATIONS BASED ON PHYSICAL OR CLIMATOLOGICAL CONDITIONS, SO AS TO ADD A GEOLOGICAL CONDITION AS BASIS FOR A VARIATION; AND TO REPEAL SECTION 6-9-135 RELATING TO THE ADOPTION OF CERTAIN PROVISIONS IN THE 2006 INTERNATIONAL RESIDENTIAL CODE RELATING TO FLOOD COVERAGE.

Referred to Committee on Labor, Commerce and Industry

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H. 3770 -- Rep. Viers: A BILL TO AMEND SECTION 50-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO REVISE THE SEASON FOR ANTLERED DEER IN GAME ZONE 4.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3771 -- Reps. Viers, Bedingfield, Millwood, Loftis, Neilson, Crawford, Willis, Haley, Toole, Huggins, Allison, Bales, Edge, Forrester, Hardwick, Littlejohn, Long, Lowe, Moss, Nanney, Parker, M. A. Pitts and Wylie: A BILL TO AMEND SECTION 1-1-696, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S OFFICIAL LANGUAGE, SO AS TO PROVIDE THAT AFTER JULY 1, 2009, ALL STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE SHALL OFFER ALL SERVICES, PUBLICATIONS, PRINTED, AUDIO AND VIDEO MATERIALS, AND TEST IN AN ENGLISH-ONLY FORMAT, UNLESS OTHERWISE REQUIRED BY FEDERAL LAW OR REGULATION, AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Education and Public Works

H. 3772 -- Reps. Viers, Ballentine, Bedingfield, Bowen, Hamilton, Loftis and Nanney: A BILL TO AMEND SECTION 5-3-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTINUATION OF SERVICE BY SPECIAL PURPOSE DISTRICTS FOLLOWING ANNEXATION BY A MUNICIPALITY, SO AS TO PROVIDE FOR THE CONTINUED HEALTH, SAFETY, AND GENERAL WELFARE OF A PERSON AND REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE DISTRICT BEFORE EXTENSION OF CORPORATE LIMITS.

Referred to Committee on Judiciary

H. 3773 -- Rep. J. H. Neal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-55 SO AS TO PROHIBIT HOSPITALS FROM CHARGING UNINSURED PATIENTS FEES IN EXCESS OF THE MAXIMUM FEES CHARGED TO INSURED PATIENTS FOR THE SAME SERVICES.

Referred to Committee on Labor, Commerce and Industry

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H. 3774 -- Reps. Viers, Ballentine, Bedingfield, Bowen, Haley, Hamilton, Loftis and Nanney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-3-160 SO AS TO PROVIDE THAT A MUNICIPALITY MAY NOT REQUIRE ANNEXATION AS A CONDITION PRECEDENT TO PROVIDING UTILITY SERVICES.

Referred to Committee on Judiciary

H. 3775 -- Rep. Bales: A BILL TO AMEND SECTION 40-1-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL PRACTICE OF REGULATED PROFESSIONS OR OCCUPATIONS, SO AS TO CREATE AN ADDITIONAL OFFENSE WHEN A PERSON UNLAWFULLY PRACTICES A REGULATED PROFESSION OR OCCUPATION AND ALSO COMMITS THE OFFENSE OF OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES WHEN THE VALUE OF THE REAL OR PERSONAL PROPERTY IS MORE THAN ONE THOUSAND DOLLARS, TO PROVIDE A PENALTY, AND TO PROHIBIT A PERSON FROM OBTAINING A LICENSE TO PRACTICE IN THAT PARTICULAR REGULATED PROFESSION OR OCCUPATION FOR A CERTAIN PERIOD OF TIME.

Referred to Committee on Labor, Commerce and Industry

H. 3776 -- Reps. A. D. Young, Harrell, Horne and Knight: A BILL TO AUTHORIZE DORCHESTER COUNTY TO PAY PER DIEM, TRAVEL, OR OTHER EXPENSES TO A MEMBER OF A COUNTY BOARD OR COMMISSION WHEN THE MEMBER TRAVELS AND INCURS EXPENSES RELATING TO HIS DUTIES WHILE SERVING ON THE BOARD.

On motion of Rep. A. D. YOUNG, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3777 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION ENACTING THE EMERGENCY LOCAL ECONOMIC DEVELOPMENT ACT BY DESIGNATING COUNTY LEGISLATIVE DELEGATIONS AND THE INDIVIDUAL LEGISLATORS COMPRISING THESE DELEGATIONS EX OFFICIO, AS EMERGENCY LOCAL ECONOMIC DEVELOPMENT AMBASSADORS, TO PROVIDE FOR THE POWERS AND DUTIES OF THESE AMBASSADORS, TO ESTABLISH THE EMERGENCY LOCAL ECONOMIC

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DEVELOPMENT COUNCIL AND PROVIDE FOR ITS MEMBERSHIP, POWERS, AND DUTIES, TO ALLOW THE USE OF CAMPAIGN FUNDS IN AID OF THE PURPOSES OF THIS JOINT RESOLUTION, AND TO REPEAL THIS JOINT RESOLUTION AFTER THE FIFTH ANNIVERSARY OF ITS EFFECTIVE DATE.

Without Reference

Rep. MOSS moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 12:06 p.m. the House, in accordance with the motion of Rep. ERICKSON, adjourned in memory of Emile Lawrence Erickson IV of Charleston, to meet at 10:00 a.m. tomorrow.

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H. 3013	7	H. 3759	16
H. 3022	32	H. 3760	16
H. 3084	49	H. 3761	10
H. 3131	52	H. 3762	10
H. 3147	5	H. 3763	11
H. 3305	47, 48, 49	H. 3764	52
H. 3314	25	H. 3765	52
H. 3358	6, 21	H. 3766	53
H. 3413	24	H. 3767	53
H. 3415	22	H. 3768	54
H. 3428	43	H. 3769	54
H. 3438	22	H. 3770	56
H. 3464	6	H. 3771	56
H. 3561	24	H. 3772	56
H. 3562	22	H. 3773	56
H. 3579	6	H. 3774	57
H. 3583	45	H. 3775	57
H. 3589	44	H. 3776	57
H. 3615	4	H. 3777	57
H. 3644	45		
H. 3664	24	S. 21	11
H. 3673	21, 46	S. 202	11
H. 3677	40, 42	S. 223	12
H. 3705	22	S. 301	13
H. 3724	21	S. 304	13
H. 3733	24	S. 328	14
H. 3748	21, 43	S. 360	14
H. 3751	7	S. 363	14
H. 3752	8	S. 364	15
H. 3753	8	S. 383	15
H. 3754	9	S. 432	4
H. 3755	9	S. 453	15
H. 3756	9	S. 583	16
H. 3757	10	S. 605	16
H. 3758	10	S. 606	17